

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AARON KEITH BENZIGER, JR.,

Plaintiff,

v.

CITY OF LIVINGSTON, et al.,

Defendants.

No. 1:20-cv-00611-DAD-EPG

ORDER ENTERING JUDGMENT AGAINST
DEFENDANT CITY OF LIVINGSTON AND
SETTING FILING DEADLINE FOR
PLAINTIFF'S MOTION FOR ATTORNEYS'
FEES AND COSTS

(Doc. No. 20)

On March 17, 2019, plaintiff Aaron Keith Benziger, Jr., filed a notice of acceptance of defendants' Federal Rule of Civil Procedure 68 offer of judgment. (Doc. No. 20.)

Under Federal Rule of Civil Procedure 68(a), a defendant may serve an offer to allow judgment on specified terms to the opposing party at least two weeks before trial. Fed. R. Civ. P. 68(a). Any acceptance by the opposing party of the offer must be made through written notice. *Id.* Thereafter, "either party may then file the offer and notice of acceptance, plus proof of service." *Id.*

Here, defendants City of Livingston, Livingston Police Chief Ruben Chavez, and Livingston Police Office Thomas Griffin served plaintiff with a Rule 68 offer of judgment on March 16, 2021 in the amount of \$20,001.00, plus reasonable attorneys' fees and costs in an amount to be determined by the court upon a noticed motion. (*See* Doc. No. 20-1 at 1–2.)

1 Plaintiff accepted the offer in writing on March 17, 2021. (Doc. No. 20.) Plaintiff now requests
2 that judgment be entered in favor of plaintiff and against defendant City of Livingston in the sum
3 of \$20,001.00, and that the matter of reasonable attorneys' fees and costs be reserved, to be
4 determined by the court on motion. (*Id.*) Defendants also reserved the right to oppose plaintiff's
5 motion for attorneys' fees and costs. (Doc. No. 20-1 at 3.)

6 Accordingly,

- 7 1. The Clerk of the Court is directed to enter judgment in favor of plaintiff and
8 against defendant City of Livingston in the amount of \$20,001.00, plus reasonable
9 attorneys' fees and costs (Doc. No. 20);
- 10 2. Plaintiff's motion for attorneys' fees and costs shall be filed within 60 days of the
11 date of this order and shall be noticed for a hearing consistent with the
12 undersigned's Standing Order in Civil Cases (Doc. No. 3-1) and Standing Order in
13 Light of the Ongoing Judicial Emergency in the Eastern District of California
14 (Doc. No. 3-2); and
- 15 3. Defendants' opposition, or statement of non-opposition, to plaintiff's motion for
16 attorneys' fees and costs, shall be filed in compliance with Local Rule 230.

17 IT IS SO ORDERED.

18 Dated: March 22, 2021

19 
UNITED STATES DISTRICT JUDGE